

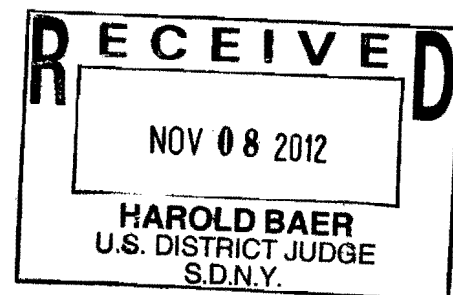
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November 8, 2012

BY FACSIMILE

Honorable Harold Baer, Jr.
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007



Re: United States v. Carollo, et al., 10 Cr. 654 (HB)

Dear Judge Baer:

On behalf of all defendants, we respectfully request an extension of time until December 12 for all defendants to self-surrender, because of delays caused by Hurricane Sandy.

As of yesterday, the disruptions to government computer systems due to Hurricane Sandy have prevented the United States Marshals from receiving the judgments of conviction, much less forwarding them to the Bureau of Prisons for processing so that the Bureau of Prisons can designate the appropriate institutions. The requested extension would give the Bureau of Prisons additional time to designate the defendants to correctional institutions.

We understand that under normal circumstances, a few days after the judgment of conviction is filed the United States Marshal Service in the Southern District of New York electronically sends copies of the judgment and other materials to the Bureau of Prisons in Texas to initiate the designation process. The hurricane caused power outages in the Courthouse and lower Manhattan that prevented this from happening. The Probation Department told us earlier this week that it is trying to expedite the process, but since the Probation Department is not responsible for designations, it is still not clear when they will occur.

The original self-surrender date of November 26 allowed the BOP over four weeks to complete the designation process.¹ Because of the unprecedented effects of the storm, it appears that the BOP will not have sufficient time to complete the designation process, especially with the additional backlog that has resulted.

If a defendant is not designated before he surrenders, he will report to the United States Marshal and, we believe, be detained at the maximum security Metropolitan Detention Center in Brooklyn until designation. Additionally, we understand that if designation does not occur before the surrender date the BOP will place the defendant's file "at the bottom of the pile" and

¹ By memo endorsement dated November 5, Mr. Goldberg's self-surrender date was extended to November 28 to permit him to celebrate his birthday with his family.

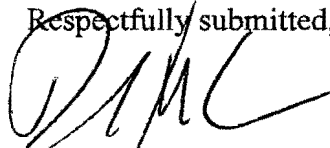
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designation can take weeks or months. As we explained in our letter to the Court dated October 15, 2012, this would be costly for the BOP and would impose the unnecessary hardship of imprisonment in a maximum security institution — which would adversely affect the defendants' families because of the harsh visiting policies at such prisons. See Oct. 15, 2012 Letter to Judge Baer from John S. Siffert and Hoelter Affidavit, attached thereto as Ex. B.

For these reasons, the defendants respectfully request the surrender date to be extended to December 12 to allow the BOP to complete the defendants' designation process before surrender.

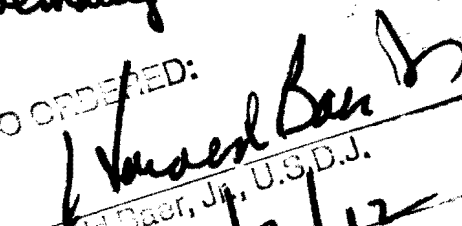
Respectfully submitted,


Daniel M. Gitner

cc: All Counsel

*Carallo has already been designated.
Saldberg will be designated before the
surrender date but to be safe I'll extend his
surrender date a few days to 12/3/12.
Grimm has a problem of some sort & I'll
send the application - to Dec 12, 2012.
My information is also to the effect that
in this particular Sandy played no role.
I do hope you checked your information before
writing to the Court, although it seems unlikely.*

SO ORDERED:


Harold Baer, Jr., U.S.D.J.

Date:

11/9/12

Endorsement :

Carollo has already been designated. Goldberg will be designated before the surrender date but to be safe I'll extend his surrender date a few days to December 3, 2012. Grimm has a problem of some sort and I'll grant the application to December 12, 2012. My information is also to the effect that in this particular Sandy played no role. I do hope you checked your information before writing to the Court, although it seems unlikely.